

Charity commission compliance case: incidents relating to child pornography

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CATEGORY:
ARTICLE

A recent Commission Operational Compliance report on the Schools of King Edward VI, Birmingham related to incidents concerning child pornography and safeguarding.

The Schools of King Edward VI, Birmingham, a registered charity, operates two independent schools and submitted a serious incident report to the Charity Commission informing it that one of the teachers at its King Edward School was under police investigation for offences relating to child pornography. The teacher later pleaded guilty and was convicted.

The Department for Education ('DfE') informed the Commission that it was investigating the school and had asked it to produce an Action Plan addressing its failures in relation to welfare and safeguarding.

The Commission and the DfE have powers to exchange information and, although the DfE is concerned with education standards and the Commission with trustee responsibilities (and in these circumstances, school governance), both will aim to collaborate where their remits overlap.

The Commission found that the CRB check procedure and other staff assessment procedures had been followed and that there had been no clues or complaints in the run up to the incidents. The school had responded swiftly, communicated well with students and amended its curriculum to clarify inappropriate interaction. The charity appointed a sub-committee to look at risk and compliance specifically.

The Commission highlighted the importance of increasing awareness of risks and evaluating all policies. It also emphasised the importance of evaluating and scrutinising high risk areas such as school trips, one-to-one teaching and potential CRB gaps (where a charity permits employees to move between its multiple schools). The Commission requested the first minutes of the meeting of the risk and compliance sub-committee and was pleased with the comprehensive and detailed discussion evidenced.

Key lessons highlighted by the Charity Commission are:

- prompt serious incident reporting can avoid the use of formal powers;
- even detailed policies and procedures must be practical;
- engagement with the Charity Commission can be mutually reassuring;
- channels of communication must exist for staff and students to report worrying interactions; and
- the Charity Commission guidance on Safeguarding may assist other education charities.